

ADR Committee Meeting

February 3, 2005

Attendance

In Person

Eleanor Barr
Saul Berkovitch
Michael Carbone
Paul Dubow

By Phone

John Carpenter
Jane Garzilli
Bill Gay
Herb Katz
Susan Keenberg
Andy Kim
Ray Machado
Carol Medof
Barry Newman
Gerry Phillips
Eric Van Ginkel
Ken Weinman

I. Introduction - Meeting called to order at 12:15 p.m. by Co-Chairs Ken Weinman and Eleanor Barr, who advised that Ann Gifford has resigned as a Committee Member.

II. Approval of Minutes - December 9, 2004 Minutes of Committee approved.

X. State Bar Proposal - Saul Bercovitch reported on State Bar proposed legislation that mediators and arbitrators are required to maintain active status, requesting public comment. Deadline is April 28, 2005 for comments. Discussion among the members of the committee. Gerry Phillips was appointed to head up further investigation as to what is being done in other states on this issue. Those wishing further information or wishing to make comment as an individual member of the State Bar, and not as a committee member, can check the State Bar's internet site under the subtopic "Public Comment."

IX. Legislative Updates - Saul Bercovitch reported on:

A. Status non-USA attorney participation in arbitration.

B. Assembly Bill 202 - would specify that Petition to Compel is the only mechanism to compel arbitration.

III. Update on Use of List Service - Eleanor clarified use of website addresses. To send e-mails to committee members use sec-bus-adr@calbar.org. Co-Chairs of Committee may use sec-bus-adr2@calbar.org to communicate to over 200 BLS members who have indicated an interest in learning about the ADR Committee. Significant events, programs and publications should be sent to the latter address.

IV. Update on Website - Michael Carbone reported on need to update the website. Susan Orloff and Sonny Ramos were designated as the point persons for roster update. Mike Mullen is the contact person to assist in revision of website. General discussion followed, and agreement to review and have conference call within 2 weeks to consider changes to website.

VI. Update on Educational Programs –

A. State Bar Programs - Recent program at SEI in San Francisco was given in which approximately 75 persons attended. Jane Garzilli reported on 3 proposed programs submitted for consideration to be presented at the State Bar in San Diego, September 8 through 11, 2005.

B. Chamber of Commerce – Keenberg-Dern letter was approved for submission of programs to Chambers of Commerce. Discussion followed. Eleanor will send out a copy of the letter approved by the co-chairs to the Committee Members.

C. Update on Program with Healthcare Law Committee - Ken reported that he and Eleanor will attend meeting with Healthcare Law Committee to discuss potential program with them. *Viola v. Department of Managed Health Care, et. Al.*, 2005 DJ DAR 1351, the court determined that even though you don't want arbitration, if you are enrolled in Healthcare program that uses arbitration for dispute resolution, you must submit to arbitration.

VII. Suggestions for Chair or Co-Chairs for 2005 - 2006

Eleanor Barr and Ken Weinman discussed their thoughts on continuity of leadership for next year. Ken Weinman has determined not to seek a second term as Co-Chair at the conclusion of the current State Bar year in order to allow a member from Northern California to act as Vice-Chair to promote geographic diversity in the committee leadership. This would give members from both Northern and Central California an opportunity to participate in leadership roles. Ken suggested that Eleanor would continue as Co-Chair, along with Michael Carbone. Discussion followed regarding staggered terms for officers. Motion to approve staggered terms passed unanimously. Discussion followed to create a tradition that one Co-Chair be from Southern California, and one Co-Chair be from Northern California. It was agreed that all committee members would e-mail Ken Weinman their thoughts, and vote as to whether they approve Eleanor Barr and Michael Carbone as Co-Chairs of the Committee for 2005 - 2006.

VIII. BLS News - Gerry Phillips has discussed with BLS News about the submission of an article by him and Susan Keenberg.

John Carpenter agreed to check with Allen Gutterman or Nina Yablock at Business Lawyers News as to why the Alternative Dispute Resolution Committee was not noted on page 30 of the magazine.

Business Law E-News - discussion re opportunity to be mentioned in E-News.

XI. Budget and Expense Reimbursement Procedure - Ray Machado is going to be the point person for committee members to submit requests for reimbursement of expenses.

Barry Newman raised issue of diversity in membership (both ethnicity and region of State of California).

Note: The above Roman Numerals correspond to the subjects discussed at the meeting of the Alternative Dispute Resolution Committee.

Meeting adjourned at 2:00 p.m.